



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

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OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Donald W. Lamb, Ph.D.
Vice President, Product Safety and Regulatory Affairs
Bayer Corporation
100 Bayer Rd
Pittsburgh, PA 15205-9741

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ADDITIONAL

Dear Dr. Lamb:

Thank you for your letters dated May 4, 2000, and November 30, 1999, to the U.S. Environmental Protection Agency (EPA), regarding the High Production Volume (HPV) Challenge Program. I apologize for the lengthy delay in responding to your request.

Your letter requests that Ortho-Phenyl Phenol (CAS No. 90-43-7) be given a designator of "1" on the HPV Challenge Program Chemical List to indicate that it is not a candidate for testing. The rationale for the indicator would be that the chemical is a registered pesticide.

As you may know, EPA posted draft guidance on procedures for removing chemicals that are no longer HPV from the scope of the voluntary HPV Challenge Program on its ChemRTK website at www.epa.gov/chemrtk in March, 1999. Based on EPA's review of all the pertinent Inventory Update Rule (IUR) data from 1998 and 2002, EPA has determined that Ortho-Phenyl Phenol (CAS No. 90-43-7) **does not meet** the "no longer HPV" criteria. Since Agency records show this chemical is still unsponsored, EPA encourages Bayer to consider sponsoring the chemical or to encourage other companies regarding possible sponsorship of this chemical. If the chemical has been erroneously reported to the IUR, EPA recommends that Bayer consider amending its reporting under the IUR.

It is EPA's position that chemicals tested and approved under other Federal agency programs may contain data gaps in areas which are elements of the HPV Challenge Program. Furthermore, exposure scenarios may be different and may have the potential to cause adverse impacts on health or the environment. In addition, the data supporting the registration of chemicals under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) may not be publicly available because of confidentiality claims. However, data submitted under FIFRA could be submitted to the HPV Challenge Program by a manufacturer in the form of robust summaries and thus allow it to become public.

We will post your letter, accompanied by our reply, on the ChemRTK website as soon as possible. Should you have any questions pertaining to this response, please contact Diane Sheridan at (202) 564-4770. If you have general questions concerning the HPV Challenge Program, please submit them through the ChemRTK website comment button or through the TSCA Assistance Information Service (TSCA Hotline) at (202) 554-1404. The TSCA Hotline can also be reached via e-mail at tsc-hotline@epa.gov.

Sincerely,

Wardner G. Penberthy
Acting Director
Chemical Control Division

cc: AR201